

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of GREGORY KENNETH
MICHAEL CAMPBELL, NATALIE
JOCELYNNE NICOLE CAMPBELL, NATHAN
JEFFREY ALLEN CAMPBELL, and JESSICA
LYNNE CHRISTINA CAMPBELL, Minors.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

TAMMY LYNNE CAMPBELL,

Respondent-Appellant,

and

KENNETH FALKIEWICZ,

Respondent.

In the Matter of GREGORY KENNETH
MICHAEL CAMPBELL, NATALIE
JOCELYNNE NICOLE CAMPBELL, NATHAN
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LYNNE CHRISTINA CAMPBELL, Minors.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

KENNETH FALKIEWICZ,

UNPUBLISHED
January 25, 2007

No. 269584
Oakland Circuit Court
Family Division
LC No. 03-684390-NA

No. 269585
Oakland Circuit Court
Family Division
LC No. 03-684390-NA

Respondent-Appellant,

and

TAMMY LYNNE CAMPBELL,

Respondent.

Before: Fort Hood, P.J., and Talbot and Servitto, JJ.

PER CURIAM.

In these consolidated appeals, respondents appeal as of right from the order terminating their parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i) and (g). We affirm.

First, respondent-mother contends that the trial court abused its discretion in denying her request to adjourn the permanent custody trial because she was not present. A trial court's decision on a motion for a continuance is discretionary and reviewed for an abuse of discretion. *In re NEGP*, 245 Mich App 126, 134; 626 NW2d 921 (2001). Adjournment of trial or hearings in child protective proceedings should be granted only for good cause, and after taking into consideration the best interest of the children. MCR 3.923(G)(1). The court may proceed in the absence of parties provided that proper notice has been given. MCR 3.973(D)(3).

Here we hold that no good cause was shown for an adjournment. The record established that respondent-mother received personal notice of her trial. Further, neither respondent-mother nor her counsel presented any valid reason for her absence. Under these circumstances, the trial court did not abuse its discretion in denying respondent-mother's request for an adjournment. *In re NEGP*, *supra*.

Next, respondent-mother's argument, that petitioner failed to provide her with the services she needed to reunify her family, is without merit. The specific service respondent-mother claims she needed assistance with was applying for SSI benefits for her special needs children. Apparently, respondent-mother contends that this prevented her from establishing that she had adequate housing and income. However, respondent-mother would not have been entitled to such benefits until after the children were returned to her care. This could not occur because respondent-mother failed to demonstrate, at a minimum, that she could financially support herself. In any event, respondent-mother testified at the best interest hearing that she went to the Social Security Administration offices and made inquiries relative to her children's eligibility for benefits. Based upon these efforts, she was able to testify regarding the amount of benefits she might receive on her children's behalf. Further, respondent-mother testified that she, herself, applied for SSI benefits and thought that she might be eligible because of her asthma and depression. Thus, there is no merit to respondent-mother's claim that petitioner failed to provide her with services she needed for reunification.

Both respondents contend that the statutory grounds for termination were not established by clear and convincing evidence. We disagree. We review the trial court's findings in

termination proceedings for clear error. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). In this case, the trial court did not clearly err in finding that the grounds for termination were established by clear and convincing evidence. At the time of termination, neither respondent could provide their four children, three of whom have special needs, with a stable environment. Neither respondent had suitable housing or adequate income. They were both living off the generosity of others. Respondents had achieved no level of stability in their lives despite being offered extensive services for years. Further, there was no evidence that the conditions would be rectified within a reasonable time or that respondents would be able to provide proper care and custody of their children in the foreseeable future. Therefore, the trial court did not err when it terminated respondents' parental rights pursuant to MCL 712A.19b(3)(c)(i) and (g).

Further, the evidence did not show that termination of respondents' parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). These were special need children who needed stability to simply function day to day. Respondents could not provide that stability. Indeed, respondents were not even able to independently care for themselves. Thus, the trial court did not err in terminating respondents' parental rights to their children.

Affirmed.

/s/ Karen M. Fort Hood
/s/ Michael J. Talbot
/s/ Deborah A. Servitto